THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26333 of 2006

13.2.2007

Between:

Smt.Tondepu Lakshmi, W/o.Late Srinivasa Rao

... Petitioner

AND

The Secretary to the Government of Andhra Pradesh, Panchayat Raj Department, Secretariat, Hyderabad
And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

The petitioner's husband participated in the auction conducted by the second respondent for leasing out the right to quarry sand in Chityala Reach in Munneru River. The auction was conducted on 30.3.2000 and the petitioner's husband became highest bidder quoting Rs.3,33,036/-. The auction was assailed in W.P.No.11432 of 2000. The petitioner states that though this Court passed orders permitting her husband to quarry sand, due to certain reasons, he could not quarry sand and requested the authorities to refund the lease amount. He was informed by the third respondent on 12.1.2001 that the application for refund of the amount is being processed. In the meanwhile, he died on 16.6.2003 but, no action was taken by the respondents for refund of the leased amount. On 23.11.2006, the petitioner submitted a representation seeking permission to quarry sand in Chityal Reach, in vain. Therefore, the present writ petition is filed.

The matter was initially heard at the preliminary stage on 28.12.2006. Learned Assistant Government Pleader for Panchayat Raj has produced a copy of the proceedings/letter of the third respondent bearing Rc.No.2669/2000/7, dated 22.12.2006 showing that the representation of the petitioner was already rejected in view of the notification of the District Collector. Learned Counsel for the petitioner sought time for getting instructions in the matter. Subsequently, the petitioner filed WPMP No.1645 of 2007 seeking direction to the respondents to place a copy of the representation made by

the petitioner before the second respondent for reconsideration of the matter. Along with the said application, the petitioner enclosed a copy of the rejection order and a representation/letter dated 12.10.2001 sent by the Mandal Revenue Officer (MRO), Vatsavai Mandal, to the District Collector purportedly requesting the latter to conduct auction for other quarries situated in Allurupadu, Lingala, Kanneveedu, Indugupalli and Polamapalli sand quarries of Vatsavai Mandal.

Learned Counsel for the petitioner does not dispute that the representation dated 23.11.2006 made by the petitioner has been rejected by the second respondent on 11.12.2006 and that the same is communicated by the third respondent by letter dated 22.12.2006. Placing reliance on the report of the MRO dated 12.10.2001, learned Counsel for the petitioner, submits that notwithstanding the orders of the District Collector denotifying Chityal Reach, it is permissible for the second respondent to permit quarry operations. This is seriously disputed by the learned Assistant Government Pleader.

With the assistance of the learned Counsel for the petitioner this Court has perused the report of the MRO dated 12.10.2001 filed along with WPMP No.1645 of 2007. The same does not support or further the case of the petitioner. Secondly, even assuming that the MRO opined that the sand quarries will be operated in some areas of Vatsavai Mandal, the same cannot be accepted. Under Rule 9-V of A.P. Minor Mineral Concession Rules, 1966, the power is conferred on the District Collector to denotify the areas for the purpose of conducting auction. Therefore, the contention of the learned Counsel for the petitioner cannot be countenanced.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(**V.V.S.RAO,J**)

February 13, 2007.
YS